

CADWALADER

MEMO ENDORSED

Cadwalader, Wickersham & Taft LLP
New York London Charlotte Washington Beijing
One World Financial Center, New York, NY 10281
Tel 212 504 6000 Fax 212 504 6666
www.cadwalader.com

September 5, 2007

VIA HAND DELIVERY

The Honorable Richard M. Berman
United States District Judge
United States District Court for
the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007-1312
(212) 805-6715

SO ORDERED:

Date: 9/5/07

Richard M. Berman
Richard M. Berman, U.S.D.J.

Re: Seaton Insurance Co., et al. v. Cavell USA, Inc, et al. Case No. 1:07-CV-07032
(RMB)


Dear Judge Berman:

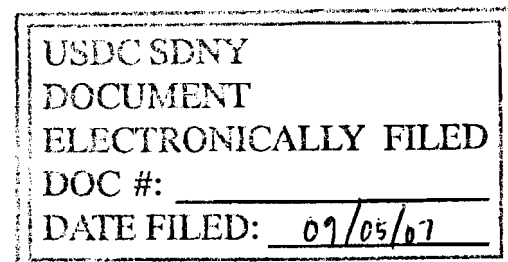
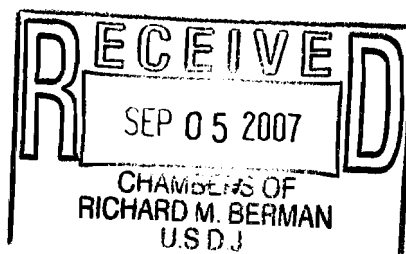
We, together with Riker Danzig Scherer Hyland Perretti LLP, represent plaintiffs, Seaton Insurance Company and Stonewall Insurance Company, in the above-referenced case. We were notified by the Court that this matter has been assigned to you and that an initial pre-trial conference is set for September 14, 2007 at 10:15 am. In anticipation of the conference, we wanted to alert you that neither of the two defendants has yet responded to plaintiffs' request for waiver of service and the deadline for defendant Ken Randall to do so is well after the scheduled date of the conference.

We understand that Edwards Angell Palmer & Dodge LLP will be representing both defendants in the case, but we have not yet received formal notification to that effect. We are prepared to attend the initial pre-trial conference scheduled for September 14, 2007, but anticipate that little can be accomplished as we suspect neither defendant will attend. Please let us know whether the September 14, 2007 initial pre-trial conference will go forward as scheduled or if Your Honor prefers to adjourn the date, allowing time for the defendants to appear.

Thank you for your attention to this matter.

Respectfully,


John F. Finnegan



C A D W A L A D E R

The Honorable Richard M. Berman

September 5, 2007

cc: Shawn L. Kelly, Esq.
Lawrence I. Brandes, Esq.
Vincent J. Vitkowski, Esq. (Edwards Angell -- By Hand)
Robert W. DiUbaldo, Esq. (Edwards Angell -- By Hand)